

STATEMENT OF BLACKWATER COMMUNITY SCHOOL
BEFORE THE SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
PRESENTED BY HENRY PINO, PRESIDENT,
BLACKWATER COMMUNITY SCHOOL BOARD OF TRUSTEES AND
FRANKLIN HOOVER, SCHOOL ATTORNEY FOR
BLACKWATER COMMUNITY SCHOOL

April 25, 2013

Introduction by Mr. Henry Pino:

Mr. Chairman and members of the Committee, on behalf of Blackwater Community School, I want to thank you for the opportunity to speak about the Bureau of Indian Education and Bureau of Indian Affairs programs that affect our school. Blackwater Community School was built by the Bureau of Indian Affairs 1939 to serve students living on the Gila River Indian Reservation near Coolidge, Arizona. The BIA operated the School until 1996, when the Blackwater Community School Board of Trustees began operating the School under the Tribally-Controlled Schools Act. Myself and two other members of the Board of Trustees attended Blackwater, and my children and grandchildren have attended the School. I have served on the Board of Trustees since 1993. Blackwater now teaches students in grades kindergarten through fifth grade as a BIE grant school and an Arizona Charter school.

Blackwater is a unique success in the BIE system. The School has gone from 82 students in grades kindergarten through second grade in 1994, to a current enrollment of over 385 students in kindergarten through fifth grade, plus 40 parents who participate in the school's Family and Child Education (F.A.C.E.) program. Blackwater is one of the few schools in the BIE system that consistently achieved Adequate Yearly Progress under the No Child Left Behind Act. In 2011 Blackwater was the first school in the Bureau system to be recognized as a National Title I Distinguished School of the Year. In 2012 the School's Principal, Ms. Jacquelyn Power, was recognized as a National Distinguished Principal of the Year by the National Association of Elementary School Principals. Most recently, Blackwater was honored by the International Reading Association as an Exemplary School of the Year. Achieving success at Blackwater has not been easy, and the Board is very concerned about how the current budget issues will impact our students. Mr. Hoover will now address some of those challenges in detail.

Statement by Mr. Franklin Hoover

I. The Impacts of Sequestration and Other Budget Cuts to Blackwater Community School

Thank you Mr. Chairman and members of the Committee. Blackwater Community School is unique because its leaders had the foresight to establish a State-funded charter school to serve grades that were excluded from Bureau funding. Since 1995 the Interior and Related Agencies appropriations acts have all included administrative riders that prohibit the use of BIE funds to add new grade levels at BIE schools. For the Blackwater community, this moratorium

meant that after second grade, Blackwater students had to leave the community to attend another school. To solve this problem, Blackwater established the Akimel O'Otham Pee Posh Charter School Corporation to obtain Arizona charter school funding for new grade levels. The charter school program currently serves grades 3 through 5. The Bureau of Indian Affairs responded to the success of Blackwater and other schools that obtained charter school funding by including a new rider in the Appropriations acts, beginning in 1999, that prohibits grant schools from establishing new charter schools. Blackwater is one of the few schools made exempt from the prohibition, because it had established its charter school programs prior to 1999.

Because Blackwater is both a tribally controlled grant school and a state charter school, it receives Bureau of Indian Education funding through a Tribally-Controlled Schools Act grant and Impact Aid funding from the Department of Education for its charter school. Both of these sources of funding have been reduced by sequestration and other cuts. For 2013, Blackwater Community School should have received approximately \$795,000.00 in Impact Aid funding. As a result of sequestration and prior funding reductions, Blackwater Community School will only receive 70% of that amount (approximately \$550,000.00). For the BIE funding, Blackwater, still does not know what the full impact will be for next year. Blackwater is already hurt by the fact that the BIE uses a 3-year rolling average of student attendance to determine the School's funding. For a school such as Blackwater that has increasing enrollment, the 3-year rolling average means that the School does not receive current year funding to match its actual student population. Since 2009, Indian School Equalization Program (ISEP) funding has increased by less than 5%. Blackwater expects that school year 2013-2014 funding will be below 2009 levels. The School has also been told that the Family and Child Education program, an outstanding adult and early childhood education program that has transformed many Blackwater families, may be proposed for elimination. There is also a proposal to decrease ISEP funding by 15 million dollars to fund a "turn-around" program for failing schools. This would further reduce funding to Blackwater and other performing schools. We ask the Committee to require that the turn-around program be funded in a manner that does further reduce funding for schools like Blackwater. As a result of all of these budget cuts, the students of Blackwater Community School have fewer resources and less support to meet increasing demands. We ask the Committee to make every effort to restore funding for BIE grant schools. Blackwater's students should not shoulder the burden of sequestration.

II. Facility Funding

As Mr. Pino mentioned, Blackwater Community School was originally constructed in 1939 as a kindergarten through second grade school. The original 1939 building had been condemned by the Bureau of Indian Affairs, but Blackwater renovated the building to keep it in service. Because of the lack of funds for new school construction within the Bureau system, however, more than 70% of the students at Blackwater attend classes in temporary modular buildings. Blackwater is also one of the few schools in the state of Arizona that has no gymnasium or multi-purpose building available for its students. P.E. classes, basketball games, physical therapy for special education students, and other functions that would normally be done inside all must be done outside on open fields.

In 2008, the BIE conducted a space analysis at Blackwater and recognized that the facilities were inadequate. To alleviate part of the facility problems at Blackwater, Assistant Secretary Skennadore authorized the construction of a 13,000 square foot multi-purpose building with an indoor gym, a cafeteria, and classroom facilities. Since 2008, however, there have been no funds allocated for construction of such a facility.

Blackwater's attempts to secure funding for the multi-purpose building have been extremely frustrating. The Bureau of Indian Education does not handle school construction. Instead, school construction is managed by the Bureau of Indian Affairs. BIA school construction funding for the past decade has only met fraction of the facility needs of BIE schools. Despite recent consultations with tribal leaders and school leaders about the system used to allocate the BIA construction dollars, Blackwater has seen no change in the process. Somewhere, there is a priority list for BIA school construction. Blackwater is not on that list, and will not likely be on that list anytime soon. We ask the Committee to again review the process used by the Bureau of Indian Affairs to allocate construction funds and to consider creating a separate process for education facilities. We also urge the Committee to fund BIA school construction at a level that allows for the facility conditions at schools like Blackwater to finally be corrected. Simply put, the children at Blackwater Community School deserve a place to play inside when it is 110 degrees outside.

III. The BIE's "One-Grant" Proposal

During his testimony before this Committee on February 27, 2013, Assistant Secretary Washburn explained that the BIE has been meeting with the Navajo Nation to discuss a "One-Grant" concept under which the BIE would move all of the Navajo BIE funded schools into one grant to the Navajo Nation. Currently 35 individual schools within the Navajo Nation receive grant funding directly from the Bureau. BIE officials have been discussing the same concept with leaders of other tribes, including the Gila River Indian Community. Blackwater Community School strongly opposes this "One-Grant" concept. Blackwater is truly a community-controlled school. The school has operated with some oversight from the Bureau of Indian Education, but with minimal regulation by the government of the Gila River Indian Community. The "one-grant" concept being advanced by the BIE is directly at odds with the principal of local control that has been essential for Blackwater's success.

There may be a point at which the capacity of tribal government agencies, such as tribal education departments, develops to a level that makes it feasible for such departments to serve as grant managers and support agencies for local community schools. However, most tribal education departments are still in the very early stages of development. Blackwater Community School urges the Committee to carefully monitor the attempts by the BIE to advance its one-grant concept to make sure that the negative impacts of such a structure do not outweigh any potential cost-saving benefits.

Conclusion

Mr. Pino and I thank you for the opportunity to tell you about Blackwater Community School. We are both very proud of the School and we ask that the Committee consider taking actions to ensure that the success of Blackwater continues and that other schools in the Bureau system see the same success. These actions include eliminating the administrative riders that prohibit grade level expansion and the establishment of charter schools, restoring grant school funding, reforming school construction, and affirming support for local governance of schools.